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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/062,969	04/21/1998	HENRY ADAM PASTERNAK	PASTERNAK1-	3699

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EXAMINER

YAO, KWANG BIN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 06/06/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/062,969

Applicant(s)

PASTERNAK ET AL. 

Examiner

Kwang B. Yao

Art Unit

2664

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Focsaneanu et al. (US 5,610,910).

Regarding claims 1, Focsaneanu et al. discloses a communication network comprising the following features: in Fig. 8, a server (234) for handling information which is in different modal forms suitable for more than one mode of user interface, the server comprising: an internet interface (258) for supporting one or more connections on the internet; a terminal interface (238) for supporting one or more connections from the server to user terminals, at least one terminal (DATA terminal) being a multi-modal user terminal, and for passing information in at least one of the modal forms; and a service controller (246) being operable to interact with user terminals for controlling input or output of the information on the terminal interface (238) and the internet interface (258), and for processing the information received from or sent to either interface, according to the modal form of the input and output. See column 7-8.

Regarding claim 2, Focsaneanu et al. discloses the following features: in Fig. 8, the service controller (246) being operable with a multi-modal user terminal to select which modal form or forms to use. See column 7-8, column 13, lines 22-31.

Regarding claim 3, Focsaneanu et al. discloses the following features: in Fig. 8, the service controller (246) being arranged to select which modal form or forms to use-according to the content of the information, and the context of the interaction. See column 7-8, column 13, lines 22-31.

Regarding claim 4, Focsaneanu et al. discloses the following features: the service controller (246) being operable to receive inputs in different modal forms simultaneously from the same user to resolve any conflicts, and determine an intention of the user based on the inputs. See column 7-8, column 12, lines 38-50.

Regarding claim 5, Focsaneanu et al. discloses the following features: the terminal interface (238) being arranged to recognize speech as an input. See column 7-8.

Regarding claim 6, Focsaneanu et al. discloses the following features: the terminal interface (238) being arranged to generate audio as an output mode. See column 7-8.

Regarding claim 7, Focsaneanu et al. discloses the following features: the service controller (240) being arranged to conduct a dialogue with the user in the form of a sequence of interactions. See column 7-8.

Regarding claim 8, Focsaneanu et al. discloses the following features: means for initiating a connection to the user's terminal. See column 7-8.

Regarding claim 9, Focsaneanu et al. discloses the following features: means for initiating a connection to the user's terminal. See column 7-8.

Regarding claim 10, Focsaneanu et al. discloses the following features: further comprising a link to a telephone network, and a call processor for making and receiving telephone calls on the telephone network. See column 7-8.

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Regarding claim 11, Focsaneanu et al. discloses the following features: comprising a set of servlets arranged to communicate with each other by event driven messages. See column 7-8.

Claims 12-17 disclose the similar limitations as claims 1-8, 10 and 11; thereby claims 12-17 are rejected by the same reason stated above.

Response to Arguments

3. Applicant's arguments filed 4/30/02 have been fully considered but they are not persuasive.

On page 3, second paragraph, Applicant argues that Focsaneanu et al. does not refer to **audio, visual, and tactile modal forms**, input and output modes for a user interface, nor to information in different modes of interface with a human user as described in the present application. (Emphasis added). Examiner respectfully disagrees with these arguments. It is noted that the above underlined features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 4, first, second and forth paragraphs, Applicant argues that Focsaneanu et al. fails to provide a multimodal user interface of the type described in the present application supporting e.g., **audio, tactile and visual modal forms**; modes as defined by Focsaneanu et al. refer to modes of service; PSTN and data; or channelized and non-channelized format. (Emphasis added). Examiner respectfully disagrees with these arguments. It is noted that the above underlined features upon which applicant relies are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, the reference of Focsaneanu et al. does disclose the access module can support different type of modes, as described in the preceding paragraph. Therefore, it is maintained that the reference of Focsaneanu et al. does anticipate the claimed invention.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goeddel et al. (US 6,141,345) discloses a signal processing resource allocation for Internet-based telephony.

Tonnby et al. (US 6,295,293) discloses an access network.

Chinni et al. (US 6,205,135) discloses an access platform.

Beyda et al. (US 5,995,607) discloses an enhanced telephony trunk routing.

Shachar et al. (US 5,764,736) discloses a method for switching.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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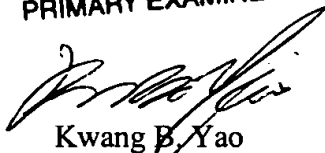
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
June 2, 2003